

# **EXHIBIT 2**

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15  
16 **UNITED STATES DISTRICT COURT**  
17  
18 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

19 In re: INCRETIN-BASED THERAPIES  
20 PRODUCTS LIABILITY  
21 LITIGATION

22 *As to All Related and Member Cases*  
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Case No. 13-md-2452-AJB-MDD

**DEFENDANT NOVO NORDISK  
INC.'S SUPPLEMENTAL  
AMENDED OBJECTIONS AND  
RESPONSES TO PLAINTIFFS'  
FIRST SET OF  
INTERROGATORIES**

Judge: Hon. Anthony J. Battaglia  
Magistrate: Hon. Mitchell D. Dembin

1 Defendant Novo Nordisk Inc. (“NNI”), for itself alone and for no other  
2 defendant, pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure,  
3 hereby supplements its amended objections and responses to Plaintiffs’ First Set of  
4 Interrogatories filed with this Court on February 14, 2014, as follows:

5 **GENERAL OBJECTIONS**

6 1. NNI objects to these Interrogatories to the extent they impose  
7 obligations beyond those imposed by the Federal Rules of Civil Procedure, any  
8 applicable Order of this Court, including, but not limited to, the Order governing the  
9 Production of Electronically Stored Information (Doc. No. 187) (“ESI Order”), the  
10 CMO Governing Limitations on Written Discovery, when entered, or this Court’s  
11 Local Rules. *See* Order Governing the Production of Electronically Stored  
12 Information, *In re Incretin-Based Therapies Prods. Liab. Litig.*, No. 13-md-2452-  
13 AJB-MDD (S.D. Cal. Nov. 15, 2013), Doc. No. 187 (“ESI Order”).

14 2. NNI objects to the voluminous nature of these interrogatories paired  
15 with the additional sets of interrogatories propounded on NNI, the total number of  
16 which exceeds that which is allowed under the Federal Rules of Civil Procedure.  
17 Nevertheless, following agreement by the parties, NNI agreed to respond to these  
18 interrogatories while reserving its rights to include substantive objections about  
19 which the parties will be prepared to meet and confer.

20 3. NNI objects to these interrogatories to the extent they seek information  
21 protected by the attorney-client, work-product, or any other applicable privilege or  
22 immunity from discovery. Any disclosure of information protected by any such  
23 privilege or other immunity shall be deemed inadvertent and shall not constitute a  
24 waiver of such privilege or other immunity.

25 4. NNI objects to these interrogatories, including subparts, to the extent  
26 they call for information that is not in the possession, custody, or control of NNI, or  
27 is a matter of public record or otherwise as accessible to Plaintiffs as to NNI.

28 5. NNI objects to Plaintiffs’ Definitions to the extent such definitions, as

1 incorporated into these interrogatories, renders an interrogatory vague, ambiguous,  
2 overly broad, unduly burdensome, and not reasonably calculated to lead to the  
3 discovery of admissible evidence. Specifically, NNI objects to Plaintiffs' definitions  
4 of "YOU," "YOUR," "YOURS," or "Defendants" as vague and ambiguous. NNI's  
5 responses to interrogatories herein construe terms "You," "Your," or "Defendant" to  
6 mean Novo Nordisk Inc. only.

7         6. NNI objects to these interrogatories to the extent they seek information  
8 from time periods that are irrelevant or inapplicable to Victoza®.

9         7. NNI objects to these interrogatories to the extent they seek information  
10 concerning products other than Victoza® (liraglutide).

11         8. NNI objects to these interrogatories to the extent they seek to function  
12 as document requests.

13         9. NNI objects to these interrogatories to the extent they call for the  
14 identification of all documents, individuals, information, or communication as well  
15 as any and/or every document, individual, piece of information, or communication  
16 when all relevant facts can be obtained from fewer than "all" documents or "any"  
17 document.

18         10. NNI objects to these interrogatories to the extent they seek information  
19 pertaining to injuries, alleged side effects, or adverse reactions not at issue in this  
20 litigation on the grounds that such interrogatories are not relevant, overly broad, and  
21 not reasonably calculated to lead to the discovery of admissible evidence.

22         11. NNI objects to these interrogatories to the extent they seek information  
23 related to foreign regulatory submissions, requirements, or activities, or the direction  
24 of foreign regulatory bodies, because it is neither relevant nor reasonably calculated  
25 to lead to the discovery of admissible evidence and is unduly burdensome. Such  
26 information is subject to different regulatory and legal standards and requirements,  
27 and can be influenced by political, cultural, and social differences, including, but not  
28 limited to, differences in the practice of medicine.

1           12. NNI objects to these interrogatories to the extent they seek sales,  
2 marketing, or advertising information outside of the United States because it is  
3 neither relevant nor reasonably calculated to lead to the discovery of admissible  
4 evidence and is unduly burdensome to produce in this litigation.

5           13. NNI objects to these interrogatories to the extent the information sought  
6 is already in Plaintiffs' possession, custody or control, or are equally available to the  
7 Plaintiffs, on the grounds that such discovery requests are unreasonably cumulative  
8 and duplicative, and that the information may be obtained from a source that is more  
9 convenient, less burdensome, and less expensive.

10           14. NNI objects to these interrogatories to the extent they seek an analysis  
11 or summary of documents or information that is generally available to all parties.  
12 NNI objects further pursuant to Federal Rule of Civil Procedure 33(d) on the  
13 grounds that the burden of ascertaining such information is substantially the same  
14 for Plaintiffs as for NNI.

15           15. NNI objects to these interrogatories to the extent they seek confidential,  
16 proprietary, competitively sensitive, or trade secret information. To the extent NNI  
17 produces responsive and non-privileged information, any such information will be  
18 produced in accordance with the agreed-upon and Court-ordered Protective Order  
19 entered in this Litigation.

20           16. NNI objects to these interrogatories to the extent that they are  
21 duplicative of the deposition notices for testimony pursuant to Rule 30(b)(6) of the  
22 Federal Rules of Civil Procedure that Plaintiffs have also served on NNI in this  
23 action.

24           17. NNI objects to these interrogatories to the extent they request NNI to  
25 disclose the identity of any individual who allegedly experienced an adverse effect  
26 or who reported such an adverse experience on the ground that such a disclosure  
27 would violate the patients' or reporters' right to confidentiality under federal law.

28           18. NNI's investigation into this matter is ongoing. Therefore, NNI may be

1 unable to provide full and complete responses to certain interrogatories. NNI will  
2 respond to these interrogatories as fully and completely as possible. NNI may  
3 supplement these responses as additional, responsive, relevant and non-privileged  
4 information becomes available.

5 19. By responding to these interrogatories, NNI does not concede the  
6 relevance, materiality, or admissibility of any of the documents sought herein for use  
7 as evidence in any hearing or trial. NNI's responses are made subject to, and  
8 without waiving, any objections as to relevance, materiality, or admissibility. NNI  
9 expressly reserves the right to object to further discovery on the subject matter of  
10 any of these requests.

11 20. NNI objects to these interrogatories to the extent they are outside the  
12 scope of general causation discovery and inapplicable discovery at this time  
13 pursuant to this Court's February 18, 2014 Order, which requires Plaintiffs to  
14 "narrow all discovery related requests to issues involving general causation." *See*  
15 *Initial Case Management Scheduling Order Regarding General Causation, In re*  
16 *Incretin-Based Therapies Prods. Liab. Litig.*, No. 13-md-2452-AJB-MDD (S.D. Cal.  
17 Feb. 18, 2014), Doc. No. 325 ("February 18 Order"). NNI will supplement its  
18 answers with information beyond general causation at the appropriate time, if  
19 necessary and applicable, per further Order of this Court.

20 21. The applicable foregoing General Objections are incorporated into each  
21 of the specific objections and responses that follow. Stating a specific objection or  
22 response shall not be construed as a waiver of NNI's general or specific objections.

## 23 **OBJECTIONS AND RESPONSES TO INDIVIDUAL INTERROGATORIES**

### 24 **Interrogatory No. 4:**

25 Has any employee, officer, director, agent, contractor, director, key opinion  
26 leader, member of speaker bureau, advisory board member, or scientific advisor of  
27 YOURS corresponded with or supplied information or data to the European  
28 Medicines Agency ("EMA") about or in connection with its 2013 "Assessment

1 report for GLP-1 based therapies.” If so, for each, please state:

- 2 a. Correspondent’s name, title, address, phone number;
- 3 b. Journal name(s);
- 4 c. Date of correspondence; and
- 5 d. Location of correspondence.

6 **Response to Interrogatory No. 4:**

7 NNI incorporates, as if fully set forth herein, the General Objections by  
8 reference. NNI further objects to this interrogatory as vague and ambiguous as it  
9 fails to define certain terms and phrases, including “key opinion leader,” “member of  
10 speaker bureau,” “advisory board member,” and “scientific advisor,” and  
11 “corresponded with or supplied information or data.” NNI further objects to this  
12 interrogatory to the extent it seeks information concerning non-NNI personnel. NNI  
13 further objects to this interrogatory to the extent it seeks information regarding  
14 medications other than Victoza®. NNI further objects to this interrogatory to the  
15 extent it seeks information unrelated to the alleged risks and injuries at issue in this  
16 litigation. NNI further objects to this interrogatory to the extent it seeks information  
17 concerning the regulatory submissions, requirements, activities, or the direction of  
18 the EMA, a foreign regulatory authority, as neither relevant nor reasonably  
19 calculated to lead to the discovery of admissible evidence and is unduly  
20 burdensome.

21 **Supplemental Response to Interrogatory No. 4:**

22 NNI incorporates, as if fully set forth herein, the General Objections by  
23 reference. NNI further objects to this interrogatory as vague and ambiguous as it  
24 fails to define certain terms and phrases, including “key opinion leader,” “member of  
25 speaker bureau,” “advisory board member,” and “scientific advisor,” and  
26 “corresponded with or supplied information or data.” NNI further objects to this  
27 interrogatory to the extent it seeks information concerning non-NNI personnel. NNI  
28 further objects to this interrogatory to the extent it seeks information regarding

1 medications other than Victoza®. NNI further objects to this interrogatory to the  
2 extent it seeks information unrelated to the alleged risks and injuries at issue in this  
3 litigation. NNI further objects to this interrogatory to the extent it seeks information  
4 concerning the regulatory submissions, requirements, activities, or the direction of  
5 the EMA, a foreign regulatory authority, as neither relevant nor reasonably  
6 calculated to lead to the discovery of admissible evidence and is unduly  
7 burdensome. NNI objects further to this interrogatory to the extent it is outside the  
8 scope of general causation discovery and inapplicable discovery at this time  
9 pursuant to this Court's February 18 Order, which requires Plaintiffs to "narrow all  
10 discovery related requests to issues involving general causation." NNI will  
11 supplement its answers with information beyond general causation at the appropriate  
12 time, if necessary and applicable, per further Order of this Court.

13       Subject to and without waiving or otherwise limiting the foregoing General  
14 and Specific Objections, NNI states that it will produce any communications with  
15 the EMA regarding the July 25, 2013 "Assessment Report for GLP-1 Based  
16 Therapies" and the February 24, 2014 joint statement with the FDA on Pancreatic  
17 Safety reported in the New England Journal of Medicine entitled "Pancreatic Safety  
18 of Incretin-Based Drugs – FDA and EMA Assessment."  
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2 Dated: March 6, 2014

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21 I am readily familiar with the firm's practice of collection and processing  
22 correspondence for mailing. Under that practice it would be deposited with the  
23 U.S. Postal Service on that same day with postage thereon fully prepaid in the  
24 ordinary course of business. I am aware that on motion of the party served, service  
25 is presumed invalid if postal cancellation date or postage meter date is more than  
26 one day after date of deposit for mailing in affidavit.

27 I declare that I am employed in the office of a member of the bar of this court  
28 at whose direction the service was made.

1 Executed on March 6, 2014, at Philadelphia, Pennsylvania.

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3  
4 /s/ Lauren M. Nonnemacher  
Lauren M. Nonnemacher